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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,108	10/08/2003	Ta-Kuang Yeh	OP-092000277	4465
7590	10/20/2004		EXAMINER	
Yi-Wen Tseng 509 ROOSEVELT BLVD. #D306 FALL CHURCH, VA 22044			SCHULTERBRANDT, KOFI A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/680,108	YEH, TA-KUANG
<b>Examiner</b>	<b>Art Unit</b>	
Kofi A. Schulterbrandt	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 08 October 2003.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-6 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 08 October 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10082003.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

This first Office Action is in response to Applicant's originally filed Application received in the Office on October 8, 2003 in this case.

### ***Information Disclosure Statement***

The information disclosure statement filed October 8, 2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The TW 91200027 (07/01/2003) page 1, line 8 has not been considered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 3 recites "bendable and foldable with unlimited angle". It is unclear what angle of the invention is unlimited. For the invention to define an angle, Applicant must somehow claim the relationship between two parts of the invention. An angle must have two frames of reference somehow compared relative to each other. No parts of the invention have been referenced in Applicant's claim 1. It is

therefore, not possible for the examiner to determine the meaning of the phrase "with unlimited angle". Furthermore, the disclosed invention, in some way, has angular limitations. For example, the invention cannot be bent at a perfect 90 degree angle without at least some small radius of curvature at the apex. Correction or clarification is required. Moreover, no weight has been given to the process feature of line 5, as only structure is given weight in an apparatus claim.

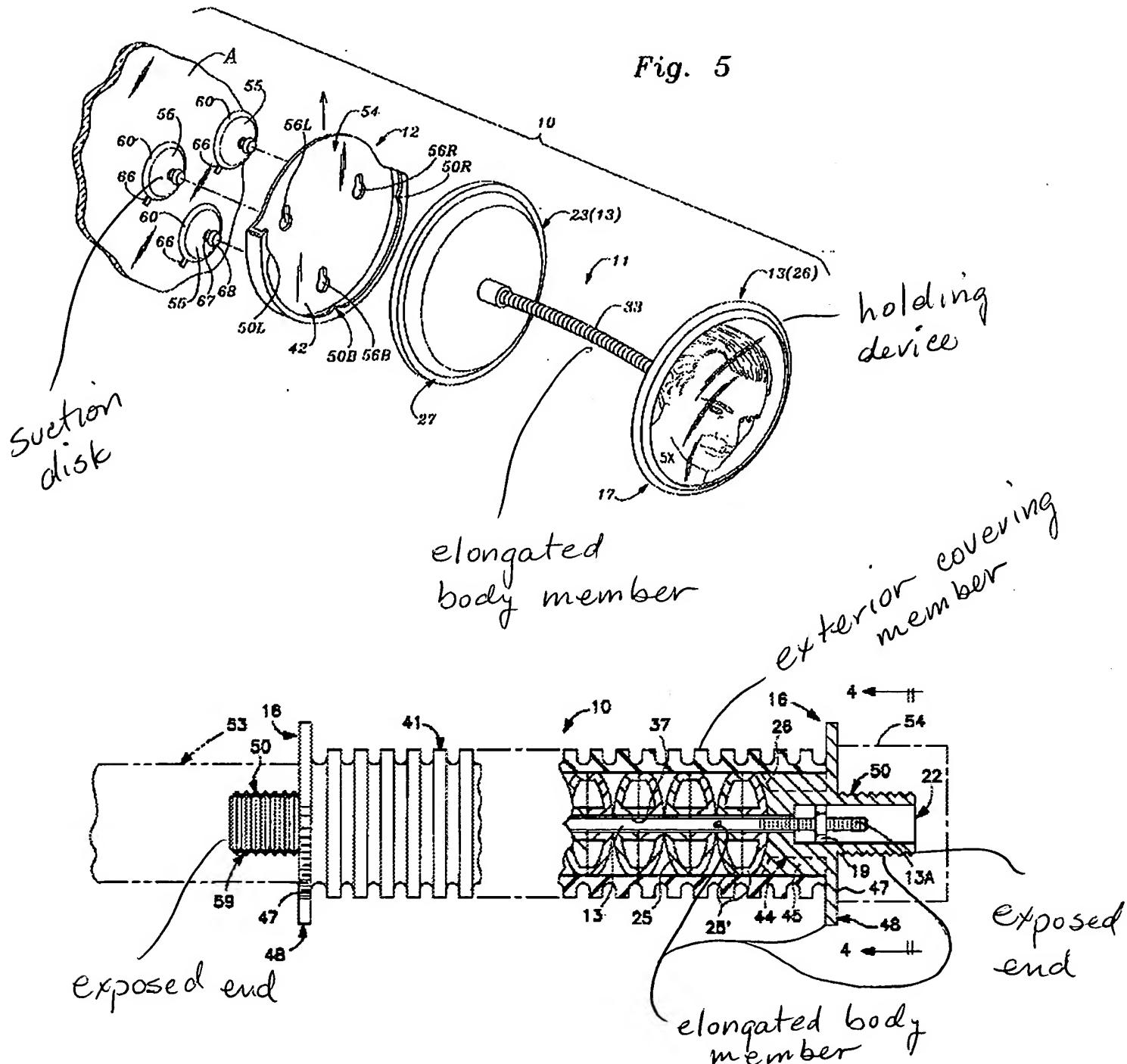
### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

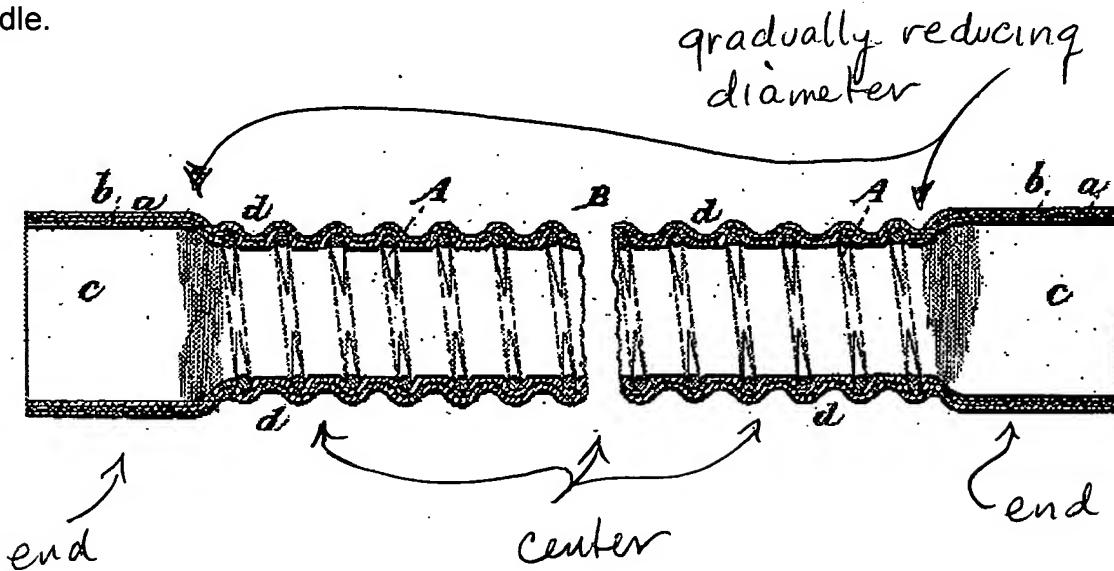
Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zadro (U.S. 2004/0047052), in view of Hung et al. (5,810,306). Zadro teaches, substantially, each feature of the claimed invention as shown below. Zadro does not teach an exterior covering member wherein the exterior covering member exposes two ends of the elongated member and has a bellow configuration. Hung et al., however, teaches a flexible body for supporting objects that discloses the claimed deficiencies as shown below. It would have been obvious to one of ordinary skill in the art at the time of invention to have substituted Zadro's flexible member (33) for Hung et al.'s flexible member (10) as both would perform equivalently in Zadro's invention. Regarding claim 2, Hung et al.'s (13) is made of aluminum (See col. 3, Ins. 1-3). Regarding claim 3,

Hung et al.'s cover member (41) is made from a plastic soft enough to be flexible (See col. 3 Ins. 45-50). Regarding claim 5, Hung et al. clearly teaches a rough surface.



Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zadro

(U.S. 2004/0047052), in view of Hung et al. (5,810,306) and Eames (314,440). Zadro and Hung et al. combined, teach, substantially, each feature of the claimed invention as discussed above. The combination teaches a reduced diameter from the ends to the center. However, the combination does not teach a diameter gradually reduced from two ends to a center. Eames, however, teaches a flexible body gradually reduced from two ends to the center as shown below. As applicant has not disclosed any criticality of the claimed diameter reduction feature, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified Hung et al. with a reducing diameter from the ends to the middle as taught by Eames in order to minimize the possibility of the disks in the middle colliding when the flexible member is bent sharply in the middle.



#### ***Prior Pertinent Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '189 to Ghazizadeh and '732 to Akamine each

teach flexible support members with holders at one end and a gripping device at the other.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulterbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kofi Schulterbrandt  
October 15, 2004

